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DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES  
**DIVISION OF ENVIRONMENTAL PROTECTION**

333 W. Nye Lane, Room 138  
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April 26, 2002

The Honorable Joel Hefley  
Chairman  
United States House of Representatives  
Committee on Armed Services' Subcommittee  
on Military Readiness  
2230 Rayburn House Office Building  
Washington, D.C. 20515-0605

Dear Chairman Hefley:

It is my understanding the Committee on Armed Services, Subcommittee on Military Readiness, is considering legislation to address certain "perceived" negative effects that environmental regulation may have on military readiness training activities. Since maintaining military readiness is a major federal activity in Nevada, I would like to convey my concerns about legislative action the committee might consider that would relieve the Department of Defense from complying with laws designed to protect human health and the environment.

The federal presence of Department of Defense (DoD) agencies in Nevada is unparalleled among the lower 48 states when measured in terms of occupied federal withdrawn lands, or military "withdrawn airspace." Defense agencies occupy over 6,300 square miles of Nevada's public lands and control about 40 percent of the State's airspace.

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Over the past 15 years, State officials in Nevada have established cooperative and largely positive working relationships with the Nellis Air Force Base and Range, the Hawthorne Ammunition Depot and Naval Air Station Fallon. We have worked diligently with these federal entities to ensure they remain in compliance with all applicable environmental requirements in the same manner as privately owned facilities. We have accomplished this in a manner that has not interfered with their ability to accomplish their missions.

While DoD agencies have had incident of non-compliance, we have worked with the facilities to address and mitigate risks to public health and the environment. We recognize that no two military bases or services are alike, which has led us to address each installation's uniqueness on a case-by-case basis to achieve environmental compliance.

In Nevada, the enforcement of pollution control and cleanup laws at federally facilities has largely been successful because we have the delegated federal authority to protect human health and the environment. Without this authority and without a continued presence and involvement in matters of environmental protection and cleanup at large federal facilities, the legacy of contamination and its risks to public health and the environment in Nevada would be significant. If one reviews these activities in Nevada over the last decade, it is clearly apparent that these federal entities can acceptably carry out their missions in manner that is compliant with environmental laws.

In 1992 the Congress passed the Federal Facilities Compliance Act. The act waived the Federal government's sovereign immunity under the Resource Conservation and Recovery Act. This milestone legislation correctly clarified that federal facilities are subject to the same requirements, including enforcement and sanctions, to which private companies are subject. We must not jeopardize the accomplishments gained under this or other public health or environmental laws that now subject DoD agencies to federal and state regulations.

Mr. Chairman, military readiness training conducted in Nevada plays an strategic role for maintaining air-to-air combat and air-to-ground gunnery proficiencies for our military pilots and support personnel for both the Air Force and the Navy. While we clearly support these important training activities, we must also protect human health and the environment at our federal facilities and surrounding communities.

In Nevada we are achieving both of these important goals and we are doing so in a state where military training is unparalleled. We believe that passing new legislation to address only perceived negative effects of environmental regulation at federal facilities would be counter productive for all concerned.

Please accept these comments in the spirit of Nevada's continued cooperation in helping DoD agencies maintain the best military combat readiness while protecting, public health, the environment, and our natural resources.

Sincerely

Allen Biaggi  
Administrator

cc: Governor Kenny Guinn  
Mike Turnipseed, Director  
Yvonne Sylva, State Health Division  
Nevada Congressional Delegation  
Nellis Air Force Base - CO  
Fallon Naval Air Station - CO  
Hawthorne Ammunition Depot - CO